

REMARKS

Claims 12, 13, 16, 18-20 and 26-29 are pending in the application. Claims 12 and 13 have been amended. Claims 26-29 have been added. Claims 1-9, 17 and 21 have been canceled. Support for all amendments, including the added claims, can be found in the specification as originally filed. Applicants would like to thank the Examiner for the indication of allowable subject matter in Claims 14 and 15 and allowing Claims 18-20.

REJECTIONS UNDER 35 USC 102(b)

a. Claims 1-9, 13, 16, 17 and 21 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,779,675 to Reilly et al. This rejection should be withdrawn in view of the remarks and amendments made herein above.

The Office Action alleges that: "Reilly '675 teaches an injector with a housing (20), a drive member (within 20), a syringe retaining mechanism (generally 114, Fig. 10), wherein pushing the syringe towards the housing in an axial direction actuates the retaining mechanism. (Fig. 10-11). The retaining mechanism comprises one or more capture members (114), corresponding members (120) of the syringe, and actuators (126) or springs (not shown, Col 6 line 32) and grooved ring 140.

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See *Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. *Jamesbury Corp v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (CAFC 1985); *Kalman v. Kimberly-Clark Corp* 218 USPQ 781, 789 (Fed. Cir. 1983)).

Claim 13 has been amended to include allowable subject matter of canceled Claim 14. Regarding Claim 12, Claim 12 has been amended to depend from Claim 13.

New Claim 27 has been added and includes subject matter from Claim 13 and allowable subject matter from Claim 15. Claims 28 and 29 have been added and depend from Claim 27. Claims 28 and 29 include subject matter from Claims 16 and 20, respectively.

REJECTIONS UNDER 35 USC 103

Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Reilly '675 in view of U.S. Patent 5,383,858 to Reilly et al. This rejection should be withdrawn in view of the remarks and amendments made hereinabove.

As discussed above, Claim 12 has been amended and depends from Claim 13, which as discussed is believed to be allowable. Thus, Claim 12 is also believed to be allowable. Accordingly, reconsideration of Claim 12 is respectfully requested.

NEW CLAIMS

Claims 26-29 have been added and. Claim 26 includes similar subject matter of Claim 12 and depends from Claim 18, which is believed to be allowable, thus Claim 26 is believed to be allowable.

Claim 27 includes allowable subject matter from Claims 13 and 14 which are believed to be allowable. And, Claims 28 and 29 depend from Claim 27 and includes subject matter from Claims 16 and 12, respectively. Therefore, Claims 27-29 are also believed to be allowable.

In view of the above amendments and remarks, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

Respectfully submitted,

By /jill denesvich/
Jill Denesvich
Attorney for Applicants
Registration No. 52,810